

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 16749-AD17-1211-132

IN THE MATTER OF:)

Alvin C. Putman)
PO Box 123)
Rochester, IN 46975)

Applicant.)

Type of Agency Action: Enforcement)

Application ID: 620917)

FILED

NOV 09 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On September 26, 2018, the Administrative Law Judge, Reuben B. Hill, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Recommended Order on Respondent by mailing the same to his counsel of record.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order, and more than eighteen (18) days have elapsed.

Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The denial of Applicant's application for a resident producer's license is AFFIRMED.

Under Ind. Code §4-21.5-5-5, Respondent has the right to appeal this Final Order by filing a petition for Judicial review in the appropriate court within thirty (30) days.

ALL OF WHICH IS ORDERED by the Commissioner this 9 day of November, 2018.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Alvin C. Putman
c/o Larry Whitham, Counsel for Respondent
151 N. Delaware, Suite 2000
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Erica Dobbs, Attorney
Indiana Department of Insurance
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SEP 26 2018

STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF FILING OF RECOMMENDED ORDER

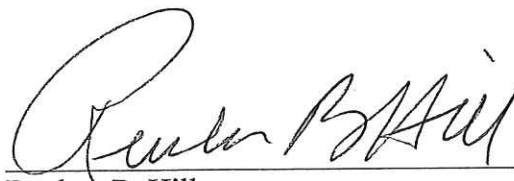
The parties of this action are hereby notified that the Administrative Law Judge's
Recommended Order is deemed filed as of this date.

To preserve an objection to this order for judicial review, the Parties must object to the
order in a writing that: 1) Identifies the basis for the objection with reasonable particularity; and
2) Is filed with the ultimate authority for the Final Order, the Commissioner of the Department of
Insurance within eighteen (18) days from the date of this Order.

DATED:

9/24/18

:



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
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BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)

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P.O. Box 123)
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SEP 26 2018

**STATE OF INDIANA
DEPT. OF INSURANCE**

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

Administrative Law Judge Reuben B. Hill ("ALJ"), having heard, reviewed and considered all of the evidence, will now render a decision concerning the matter of Alvin C. Putman ("Applicant"). This matter came on to be heard by the ALJ on July 11, 2018 at 10:00 a.m. at the Indiana Department of Insurance at 311 West Washington Street, Indianapolis, Indiana.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Erica J. Dobbs. Applicant appeared in person and by counsel, Larry Whitham. Testimony was heard, and exhibits were received into evidence.

Based upon the evidence presented at said hearing, the ALJ now makes the following Findings of Fact, Conclusions of Law, and issues the Recommended Order.

FINDINGS OF FACT

1. Applicant submitted his application for Resident Producer License on November 21, 2017. (Department's Exhibit 1)
2. On said application, Applicant answered "no" to the question that asks "Have you ever been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration"? (Department's Exhibit 1)
3. The question goes on to explain that "Involved" means having a license censured, suspended, revoked, canceled, terminated, or being assessed a fine. Also, a cease and desist order, a prohibition order, a compliance order, placed on probation sanctioned or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or registration. (Department's Exhibit 1)
4. Applicant has been a licensed bail agent in Indiana since January 27, 1992.
5. Applicant's bail agent license was revoked by order of the Commissioner, under Cause Number 12765-BB15-0915-002, due to Applicant's conviction for a disqualifying criminal offense. Specifically, Applicant was convicted of Battery Resulting in Bodily Injury, a Class A Misdemeanor, for knowingly touching his juvenile grandson in a rude, insolent, or angry manner and such touching resulted in injury to the child, after the trial court found that the evidence "revealed a man in an uncontrolled rage, out of control taking no time to reflect on his actions and a very young child crying uncontrollably in

pain and scared. (Department's Exhibit 3 Applicant's Exhibit G) Applicant's conviction was affirmed by the Court of Appeals by memorandum decision in 25A03-1512-CR-2253.

6. Judicial notice was taken of the proceedings in 12765-BB15-0915-002.
7. Applicant's bail agent license was initially revoked by order of the Commissioner on September 17, 2015. (Department's Exhibit 2)
8. The order revoking Applicant's license was subsequently modified by order of the Commissioner on February 12, 2016. (Department's Exhibit 3)
9. A hearing was held, and the Commissioner entered his Final Order Adopting the ALJ's Recommended Order affirming the revocation on May 6, 2016. (Department's Exhibit 4)
10. Applicant petitioned for Judicial Review on June 6, 2016 under cause number 49D07-1606-MI-020114 and a hearing was held on March 6, 2017. (Department's Exhibit 5)
11. An Appeal was subsequently taken by the Department on June 29, 2017 under Cause Number 49A05-1706-MI-01402.
12. The Court of Appeals issued its Opinion upholding Applicant's license revocation on March 29, 2018. (Department's Exhibit 6)
13. Applicant's application for Resident Producer License was filed during the Court of Appeals review of the revocation of his bail agent license.
14. Applicant testified he was "well aware" of the administrative action to which he was a party at the time he filled out his application for Resident Producer License.
15. Applicant further testified that Desmond Bradley assisted Applicant in filling out his application for licensure because he is not computer savvy, and that he and Ms. Bradley had discussed the question pertaining to past administrative actions and determined that

the revocation of his bail agent license did not qualify as an administrative action for purposes of the application question.

16. Both Applicant and Ms. Bradley testified that they read the question to pertain only to actions that may have been taken against Applicant when he previously held a Resident Life Insurance Producer's License, of which there were none.
17. Applicant testified that he previously held a Life Insurance Producer's License in the "sixties or seventies". Department records reflect that he was licensed as a Life Insurance Producer from June 24, 1989 through July 30, 1993.
18. The Application indicate it was prepared by the Applicant himself rather than by Ms. Bradley. (Department's Exhibit 1)
19. Conclusion of Law that can be adopted as Findings of Fact are hereby incorporated herein as such.

CONCLUSIONS OF LAW

1. The Commissioner of the Indiana Department of Insurance ("Commissioner") has jurisdiction over both the subject matter and the parties to this action.
2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.
3. Indiana Code 27-1-15.6-12(b) states that the Commissioner may refuse to issue an Insurance Producer License, due to any of a number of factors.
4. Specifically, Indiana Code 27-1-15.6-12(b)(1) allows the Commissioner to deny an Insurance Producer's License for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

5. Applicant was acutely aware that he was a party to an administrative action resulting in the revocation of his bail license.
6. The question on the Application for Insurance Producer License regarding involvement in administrative actions clearly defines what "involved means and clearly pertains to any professional or occupational license.
7. A bail agent license is a professional or occupational license.
8. Full disclosure of relevant information on a license application is critical to the Department's ability to properly screen and monitor applicants.
9. Indiana Code 4-21.5-3-14(c) states that the person requesting an agency take action has the burden of persuasion and the burden of going forward. Applicant is requesting that the Department issue him a Resident Producer License and, therefore, bears the burden.
10. Pursuant to Indiana Code 27-1-15.6-12(d), a hearing was held to determine the reasonableness of the Commissioner's decision. Applicant failed to meet his burden of proving the Commissioner's decision was unreasonable.
11. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

IT IS THEREFORE RECOMMENDED:

In consideration of the foregoing Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the **Commissioner of Insurance** the following:

The **DENIAL** of Applicant's application for Resident Producer License should be affirmed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the

Commissioner of Insurance this 26th day of Sept, 2018



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Alvin C. Putman
c/o Larry Whitham, Counsel for Respondent
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STATE OF INDIANA)
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BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 16749-AD17-1211-132

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Alvin C. Putman)
PO Box 123)
Rochester, IN 46975)

FILED

FEB 16 2018

STATE OF INDIANA
DEPT. OF INSURANCE

PRELIMINARY ADMINISTRATIVE ORDER
AND NOTICE OF LICENSE DENIAL

The Indiana Department of Insurance, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.* and Indiana Code § 27-1-15.6-12, hereby gives notice to Alvin C. Putman ("Applicant") of the following Administrative Order:

1. Applicant filed an application for resident licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on November 21, 2017.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-6 and Indiana Code § 27-1-15.6-12.
3. Indiana Code § 27-1-15.6-12(b)(1) provides, in part, that the Commissioner may refuse to issue an insurance producer license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
4. Following a review of materials submitted by Applicant in support of his application, the Commissioner being fully advised, now hereby notifies Applicant that he has not fully met the requirements of licensure as stated by Indiana Codes § 27-1-15.6-12(b)(1) due to failing

to disclose his involvement in an administrative proceeding by the Indiana Department of Insurance in 2015.

5. Indiana Code § 27-1-15.6-12(d) provides that the applicant may, not more than sixty-three (63) days after notice of denial of the application is mailed, make written demand to the Commissioner for a hearing before the Commissioner to determine the reasonableness of the Commissioner's action.

IT IS THEREFORE ORDERED that Applicant's request for licensure is hereby **DENIED** pursuant to Indiana Code § 27-1-15.6-12(b)(1), due to his failure to disclose his involvement in an administrative proceeding by the Indiana Department of Insurance. Applicant may reapply for licensure not less than one (1) year from the date of this order.

2-16-18

Date Signed



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

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Rochester, IN 46975

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